

RESOLUTION NO. 75123

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
INITIATING REORGANIZATION PROCEEDINGS FOR THE
ANNEXATION AND DETACHMENT OF CERTAIN INHABITED
TERRITORY DESIGNATED AS SUNOL NO. 82, DESCRIBED MORE
PARTICULARLY HEREIN, AND SETTING THE DATE, TIME AND
PLACE FOR CONSIDERATION OF SUCH REORGANIZATION**

WHEREAS, the City of San José desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, as the same may be amended from time to time, of the annexation to the City of San José of certain territory comprising unincorporated islands of County jurisdiction substantially surrounded by City and the detachment of the same from the Central Fire Protection, County Lighting, Santa Clara Valley Zone C-1 County Water, Sunol Sanitary, and Area No. 01 (Library Services) County Service Districts; and

WHEREAS, this proposal includes an annexation to the City of San José of certain unincorporated territory comprising unincorporated islands of County jurisdiction substantially surrounded by City and within the urban service area of City described herein and located in the County of Santa Clara and is not subject to review by the Local Agency Formation Commission as provided under Section 56757 of the California Government Code; and

WHEREAS, such unincorporated territory is known by the short form designation of “**Sunol No. 82**,” and a map showing the location of such territory is attached hereto as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, the subject real property, comprising 42 ± acres located in an area generally bounded by the south side of Park Avenue, west side of McEvoy Street, north and south sides of West San Carlos Street, and the east side of Meridian Avenue, San Jose (more specifically identified in Exhibit “A”), is contiguous to the City of San José and is within its urban service area; and

WHEREAS, the area of the subject property does not exceed one hundred fifty (150) acres in size and the subject property constitutes an island of unincorporated County jurisdiction within City limits that is surrounded by or substantially surrounded by City jurisdiction; and

WHEREAS, the subject property is not a gated community where urban services are provided by a community service district; and

WHEREAS, the subject property is substantially developed in that single family residences, multi-family residences, commercial and industrial uses are currently located on the properties; and

WHEREAS, the subject property is not prime agricultural land under the provisions of California Government Code Section 56064; and

WHEREAS, the subject property currently is receiving or will receive the following benefits from the City, to wit: all municipal services, not limited to street maintenance, street light, law enforcement, sanitary sewer, code enforcement, street sweeping, garbage collection, fire protection; and

WHEREAS, the following special districts would be affected by the proposed annexation: Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service; and

WHEREAS, annexation would provide for the use of City services; and

WHEREAS, this unincorporated territory was rezoned by City on September 15, 2009 to the City of San José rezoning designations of R-1-8 Single-Family Residence Zoning District as to a certain approximately 14.31 acres, to CP Commercial Pedestrian Zoning District as to a certain approximately 18.4 acres, and to CIC Combined Industrial/Commercial Zoning District as to a certain approximately 9.38 acres, all as more specifically described in the ordinance(s) so rezoning the subject territory; and

WHEREAS, the City of San José is the Lead Agency for environmental review for the reorganization known as “**Sunol No. 82**” under the California Environmental Quality Act of 1970, as amended (“CEQA”); and

WHEREAS, the environmental impacts of this project were addressed by a Final EIR entitled, “San Jose 2020 General Plan,” and findings were adopted by City Council

Resolution No 65459, said Environmental Impact Report became final on August 16, 1994, and this Council has considered and approved said Environmental Impact Report and Resolution No. 65459 prior to taking any adoption actions on this Resolution; and

WHEREAS, the County Surveyor of Santa Clara County has found the map of the subject property (Exhibit "A") to be in accordance with California Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with the County's Local Agency Formation Commission's road annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the City Council of the City of San José shall be the conducting authority for a reorganization including an annexation to the City, and the City Council by this resolution is proposing the reorganization described in this Resolution; and

WHEREAS, as the unincorporated territory is inhabited and all owners of land included in this proposal have not consented to this annexation; and

WHEREAS, this proposal is consistent with the sphere of influence of the City of San José; and

WHEREAS, it is anticipated that the proposed reorganization will be recommended to be subject to the following terms and conditions: none; and

WHEREAS, the reason for the proposed reorganization is as follows: to eliminate an urban pocket of County jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

That the City Council hereby initiates proceedings for the proposed reorganization of the designated unincorporated island territory described herein pursuant to Sections 56757 and 56375.3 of the California Government Code without protest or election proceedings and sets November 17, 2009 at 7:00 p.m., in the

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Council Chambers at City Hall, located at 200 East Santa Clara Street, San José, California, as the date, time and place for consideration of such reorganization. This Council is hereby designated as the conducting authority of said proceedings.

ADOPTED this 6th day of October, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk